

PUBLIC WORKS COMMITTEE

DATE: November 19, 2009

CALLED TO ORDER: 5:35p.m.

ADJOURNED: 8:03 p.m.

ATTENDANCE

ATTENDING MEMBERS

Benjamin Hunter, Chairman
Ginny Cain
Brian Mahern
Dane Mahern
Janice McHenry
Mary Moriarty Adams
Christine Scales
Mike Speedy

ABSENT MEMBERS

Angela Mansfield

AGENDA

PROPOSAL NO. 172, 2009 - authorizes one-way restrictions on Waldemere Avenue and Alley 1175 South (District 13)
“Strike”

Vote 8-10

PROPOSAL NO. 218, 2009 - amends the Code to provide for motorcycle parking meter spaces
“Postponed”

Vote 8-0

PROPOSAL NO. 415, 2009 - authorizes the removal of no parking anytime restrictions on Park Avenue from 42nd Street to Ruckle Street (District 9)

PROPOSAL NO. 416, 2009 - amends the Code to add new provisions regarding unattended bicycles and bicycles not in operation, and traffic restrictions for bicycles on sidewalks and bicycle paths and lanes.
“Do Pass”

Vote 8-0

Rate Case Presentation by Indianapolis Water Board - Matthew Klein, Director, Department of Waterworks

THE MINUTES FOR THIS PRESENTATION WILL BE DISTRIBUTED AT A LATER TIME

PUBLIC WORKS COMMITTEE

The Public Works Committee of the City-County Council met on Thursday, November 19, 2009. Chair Benjamin Hunter called the meeting to order at 5:35 p.m. with the following members present: Ginny Cain, Brian Mahern, Dane Mahern, Janice McHenry, Mary Moriarty Adams, Christine Scales, and Mike Speedy. Angela Mansfield was absent. Also present was Councillor Bob Lutz.

PROPOSAL NO. 172, 2009 - authorizes one-way restrictions on Waldemere Avenue and Alley 1175 South (District 13)

Councillor Lutz thanked the committee for holding off on this proposal for several months while there were discussions with the Department of Public Works and Indiana Department of Transportation (Indot). They have not been able to reach an agreement on this project. Councillor Lutz commended DPW and Jeff Roeder, Senior Project Manager, as they have tried to work out an amicable arrangements. Councillor Lutz stated that he, as well as community organizers and business owners, have made suggestions to INDOT, and he feels that they have fallen on deaf ears. Councillor Lutz stated that DPW does not want to lose half of a million dollars worth of infrastructure improvements at the intersection of Waldemere and Washington Streets and neither does he. As the Councillor for that area, he has to speak for the constituents who live there. Councillor Lutz stated that this proposal would cause the constituents to go all the way back to Lynhurst Drive or to try to make a left hand turn on Morris Street, which would be a dangerous situation. The constituents have asked that the council not move forward with this proposal. Due to Councillor Lutz respect for the opinions of the constituents and businesses in the area, he is withdrawing his sponsorship of the proposal and asking the committee to strike it. Comments Declined.

Councillor Speedy moved, seconded by Councillor D. Mahern, to “strike” Proposal No.172, 2009. The motion carried by a vote of 8-0.

PROPOSAL NO. 218, 2009 - amends the Code to provide for motorcycle parking meter spaces. Chairman Hunter stated that Councillor Nytes sent him an email in reference to this proposal and asked for this proposal to be set back.

Councillor B. Mahern stated that he has spoken with Councillor Nytes, and he would like to make a motion to postpone this proposal to the first meeting in January.

Councillor B. Mahern moved, seconded by Councillor Moriarty Adams, to “postpone” Proposal 218, 2009. The motion carried by a vote of 8-0.

PROPOSAL NO. 415, 2009 - authorizes the removal of no parking anytime restrictions on Park Avenue from 42nd Street to Ruckle Street (District 9)

Nathan Sheets Sr. Project Manager, DPW, stated that this proposal essentially changes the Codes to reflect the existing conditions with the signs that are currently installed in this area.

Councillor D Mahern asked if this will correct what is in the area now. He said that there were some no parking signs from a prior construction, and they are asking that the code reflect the conditions.

Councillor Speedy moved, seconded by Councillor B. Mahern, to send Proposal No. 415, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 416, 2009 - amends the Code to add new provisions regarding unattended bicycles and bicycles not in operation, and traffic restrictions for bicycles on sidewalks and bicycle paths and lanes.

Chairman Hunter stated that there is a motion to amend this proposal that he would like to entertain that first.

Councilor Speedy stated that as a result of an email from a constituent, they investigated how to make the proposal more bicycle friendly. He said they came up with the amendment that is attached as exhibit A.

Councillor Speedy moved, seconded by Councillor Moriarty Adams, to "amend" Proposal No. 416, 2009 as per Exhibit A..

Councillor Scales said that this amendment is in total opposition to the current traffic laws in Indiana, being that bicyclist are supposed to follow the same traffic regulations as vehicles.

Councillor Speedy said that he did not do a full legal review, but he believes that the motion is consistent and harmonious with existing state law. He does not feel that it is giving bicyclist more rights or more variance not to follow the law.

Councillor Scales asked that if bicyclist are yielding the right of way, and the lane is going parallel to traffic, and if a car wants to make a right turn, should not the bicyclist stop.

Andy Lutz, Bicyclist Coordinator, City of Indianapolis, stated that in that instance, the automobile turning right must yield to the bicyclist in the bike lane. It's kind of like a car turning right with a pedestrian in the crosswalk; the pedestrian would have the right of way. He said it is sort of a pyramid: pedestrian, bicyclist and then automobile. If there is a pedestrian in the crosswalk, the bike yields to the pedestrian; if there is a bicyclist in the bike lane, the automobile yields to the pedestrian and the bicyclist until they clear the intersection, and then the automobile has the right of way to turn.

Councillor McHenry referred to Section 441-372 (b) of the amendment, and stated that some bike lanes do not have three feet of distance between the car lanes, so the way she is reading it is that you would have to stay behind the bicyclist at all times if both are in their lanes and there is not three feet between the two. Mr. Lutz stated that the bike lanes are five feet wide and the car lanes range from 10-12 feet. He said it is possible to pass a bicyclist without leaving your lane, but in an instance where you may have a parking lane and a bike lane, the automobile must yield until it is safe to merge into the next lane to pass the bicyclist. The automobile can then merge back into its lane.

Councillor McHenry stated that as a motorist, if she is traveling at 30 miles per hour and they are traveling at 10, mph she is going to overtake the bicyclist, and there will not be three feet of

distance between the two of them. Mr. Lutz stated that this may be correct, and if you see that you can not pass the bicyclist with three feet of distance between you, then you need to slow down until you are able to get over into another lane to pass the bicyclist. He stated that you must adjust your lane of travel to provide the three feet of distance between you and the bicyclist. Mr. Lutz stated that was typically the standard for the federal Chicago and Portland bike lane rules. He said they would actually like for you to completely transition into another lane, pass the bicyclist and then go back into your lane for a safer pass.

Chairman Hunter asked for Mr. Lutz to define the word “overtaking”. Mr. Lutz defined it as passing to the left of a bicyclist or vehicle.

Councillor D. Mahern stated that his concern is that they have put in bike lanes on one-way streets so there is only one driving lane, a bike lane and parking. This could cause a backup of traffic if a vehicle could not pass the bicyclist. He referenced East Street as an example.

Mr. Lutz stated that the heart of the amendment is to keep the motorist that is at or above the speed limit from passing too closely to the bicyclist, and possibly accidentally clipping a handlebar with a side mirror. Mr. Lutz stated that this is a way for Indianapolis Metropolitan Police Department (IMPD) to enforce that a motorist is passing too closely to a bicyclist. He stated that people need to be aware of their surroundings to make sure they allow space to pass a bicyclist at a safe distance. If this is not possible, the person needs to slow down until it is. He also stated that most commuters will be traveling at a speed of 25 mph, and he feels that it will not be a huge traffic flow issue. Mr. Lutz stated that it is the standard use on a federal level.

Councillor McHenry stated that not everyone using the bike lane is a commuter trying to go as fast as they can. She stated that families may use the lane out for exercise and enjoyment.

Mr. Sheets stated that he echoes Mr. Lutz’s statement that the intent of the ordinance change is to provide awareness to the motorist and cyclist, so that there are not situations where a vehicle is riding right on the edge of the bike lane. From a safety standpoint, that is something they want to avoid, and officers will have additional discretion when enforcing this issue. He said it is hard for IMPD to write an infraction for someone who is acting irresponsible in passing a bicyclist if there is nothing written in law.

Councillor Speedy stated that he sees this as protecting the family that is riding in the bike lane, and that the intent is to be more deferential to bicyclist.

Councillor Cain stated that, in Indiana, if you hit the back of a car it is automatically your fault. She said she feels that if you hit the back of a cyclist, it should not automatically be the car’s fault, because a bicyclist can swing out into the street and be negligent. Councillor Cain expressed her concern about this. Mr. Lutz stated that it would be at discretion of the officer who is investigating the accident.

Councillor D. Mahern stated that this is a good first step and he feels that it is good for the city. He said he is concerned that drastic changes are being made without explaining those changes to the public and ensuring that people know about the changes. He suggested that DPW contact

channel 16 to make a public service announcement to educate the public on how to be safe, and or possibly put something on DPW's website regarding the bike lanes that are going in.

Mr. Lutz stated that there is a safety video and a bikeways video on the sustainindy website at www.sustainindy.org, under Quality of Life, Bikeways. They are also in the process of working with a firm to create an education and outreach blast in the next six months.

Councillor Lutz stated that he is concerned about imposing liability on a driver involved in an car/bicyclist accident. He said he has done some defense work over the years, and would be concerned about the instruction that would be given to a Jury regarding violation of the three feet the defendant shall be found negligent. This would not have anything to do with police enforcement. Councillor Lutz stated that he feels that on streets that do not have two lanes to merge, this is problematic.

Councillor McHenry asked for a definition of the word vehicle. Chairman Hunter stated that Indiana Code sets the definition for a vehicle.

Mr. Lutz stated that they are not distinguishing between a car and a vehicle. He stated that if a vehicle passes another vehicle without the proper distance or signals, it can be pulled over for improper lane use. He said that they just trying to come up with the same thing for bicycle lanes.

Councillor Scales asked if a bicyclist is at an intersection with traffic controls, if the bicyclist still has to obey the traffic signals. Mr. Lutz stated that this is correct.

Councillor McHenry referred to section 441-313 b) and stated that this is very confusing. She asked if a bicycle is on a crosswalk, if it is the assumption that the vehicle is to yield to the bicyclist. She asked how people are expected to know this when they are only given a driving test once.

Mr. Lutz answered that motorists are to yield to bicyclists or pedestrians in the crosswalk. He stated that they are working with IMPD on stricter enforcement and with a firm on an educational outreach blast using public service announcements. He said over the next four to six months you will see a huge push .on education and outreach.

Councillor B. Mahern asked if there will be an adjustment period where warnings will be issued or if that will be at the discretion of the police officer. Mr. Lutz answered that they are working with IMPD to issue warnings. so that this can be more of a learning period for everyone.

Councillor Scales referred to section 441-371 a) and stated that the neighbors on Allisonville Rd have been accessing various shopping malls and restaurants by walking in the bike lanes. She asked if there will be discretion in enforcing this law. Mr. Lutz stated that there will definitely be discretion used.

Speedy moved, Moriarty Adams seconded , to send Proposal No. 416, 2009 to the full council with a "do Pass as Amended recommendation. The motion carried by a vote of 8-0.

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